

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
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)
)
V.) **CR. No: 1:08cr11-MEF**
)
)
JESUS NOLASCO-GOMEZ)

MOTION FOR EXTENSION OF TIME TO FILE PRE-TIRAL MOTIONS

COMES NOW the Defendant, **JESUS NOLASCO-GOMEZ**, by and through undersigned counsel, Aylia McKee, and requests an extension of time to next Monday, April 14, 2008, to file pre-trial motions.

In support of this Motion, Defendant would show the following:

1. The Federal Defenders Office was appointed to represent Mr. Nolasco-Gomez on March 26, 2008.
2. Undersigned counsel filed notice of appearance on March 28, 2008.
3. On March 28, 2008, undersigned counsel was in the middle of a four count indictment trial representing Andreas Smith (2:07cr165-MHT). Specifically, the trial was recessed on March 24, 2008 and due to resume on March 31, 2008 due to a death in one of the juror's family.
4. At the completion of the trial on April 2, 2008, undersigned counsel made court ordered appearances at hearings on April 2nd, 3rd, and 4th.
5. Due to the fact that Mr. Nolasco-Gomez does not speak English an interpreter is necessary to effectively communicate with Mr. Nolasco-Gomez.
6. However, due to scheduling conflicts of undersigned counsel and Mrs. Rians, the interpreter, as well as a scheduling mishap with the Montgomery City Jail, Mr. Nolasco-Gomez was

unable to be interviewed until April 7, 2008.

7. On April 7, 2008, undersigned counsel was unable to be present at this interview due to jury selection in United States of America v. Lorenzo Rainer (2:07-cr-151-MEF). The trial is scheduled to last from April 10 through April 15 of 2008.
8. During the interview, it was determined that Mr. Nolasco-Gomez, in addition to not speaking English, cannot read Spanish.
9. Based on the interview, it is evident that additional investigation is needed, including interviewing witnesses present at the time of Mr. Nolasco-Gomez's arrest.
10. Specifically, it appears that grounds for a motion to suppress exist pertaining to the absence of a search warrant and the lack of a knowing consent.
11. This trial is scheduled for June 23, 2008.
12. Should the Court grant an extension of time this will not impact the trial date, even if a motion to suppress is subsequently filed.
13. There is sufficient time in the case prior to trial, if a motion to suppress is filed, to set an evidentiary hearing, conduct the hearing, allow for the Magistrate Judge to prepare a report and recommendation, and for objections to be filed and reviewed De Novo. All of which could be completed prior to the 11(C)(1)(C) date of June 11, 2008.
14. Undersigned counsel was unsuccessful in its attempts to reach Assistant United States Attorney Nathan Stump regarding this matter.

WHEREFORE, Mr. Nolasco-Gomez respectfully requests that this Motion for an Extension of Time be granted in this matter and the date for pre-trial motions be extended two weeks to April 21, 2008.

Dated this 7th day of April, 2008.

Respectfully submitted,

s/ Aylia McKee
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CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Nathan Stump, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Aylia McKee
AYLIA MCKEE
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